

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: CHAIRMAN GARY L. PERRY, on January 15, 2009 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: Sen. Carol C. Juneau (D)

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 121, SB 160, SB 92, 1/7/2009

Executive Action: SB 157-Do Pass As Amended, SB 139-
Do Pass

HEARING ON SB 121

Opening Statement by Sponsor:

00:02:46 **SEN. LARRY JENT (D), SD 32**, opened the hearing on **SB 121**, Allow COPP to apply for court order to compel obedience to subpoena.

Proponents' Testimony:

00:04:51 Dennis Unsworth, Commissioner of Political Practices

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:09:33 Sen. McGee
00:10:23 Sen. Jent
00:10:49 Sen. McGee
00:10:53 Mr. Unsworth
00:11:56 Jim Scheier, Assistant Attorney General, Department
of Justice (DOJ)
00:14:01 Sen. McGee
00:14:18 Sen. Jent
00:22:29 Sen. Shockley
00:23:38 Sen. Jent

(Sen. Juneau enters room)

00:24:24 Sen. Shockley
00:24:33 Mr. Scheier
00:28:49 Sen. Perry
00:29:48 Sen. Jent
00:33:03 Sen. Perry
00:33:21 Mr. Scheier
00:34:19 Sen. McGee
00:34:32 Mr. Scheier

Closing by Sponsor:

00:36:54 Sen. Jent

HEARING ON SB 160

Opening Statement by Sponsor:

00:38:10 SEN. LARRY JENT (D), SD 32, opened the hearing on SB 160, Clarify statutory disciplinary procedures for highway patrol.

Proponents' Testimony:

00:39:15 Ali Bovington, Assistant Attorney General, DOJ
[EXHIBIT\(jus09a01\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:43:21 Sen. Juneau
00:43:42 Ms. Bovington

Closing by Sponsor:

00:44:17 Sen. Jent

00:44:42 Break

HEARING ON SB 92

Opening Statement by Sponsor:

00:55:29 SEN. LARRY JENT (D), SD 32, opened the hearing on SB 92, Castle doctrine for use of force in defense.

Proponents' Testimony:

01:01:23 Hal Harper, Governor's Office
01:02:44 Jim Cashell, Gallatin County Sheriff, Montana Sheriffs
and Peace Officers Association (MSPOA)
01:07:01 Mark Murphy, Chief Criminal Deputy, Yellowstone County
Attorney Office

EXHIBIT(jus09a02)

01:11:47 Leo Gallagher, Lewis and Clark County Attorney, Montana
County Attorneys Association (MCCA)
01:13:28 Pam Bucy, Montana Association of Chiefs of Police and
Police Protective Association (PPA)
01:14:32 Jim Smith, MCAA, MSPOA
01:17:32 Mike Batista, DOJ
01:18:10 Jane Hammond, self

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:19:38 Sen. Shockley
01:20:50 Ms. Bucy
01:21:36 Sen. Laslovich
01:22:13 Mr. Gallagher
01:23:18 Sen. Juneau
01:24:59 Sen. Jent

Closing by Sponsor:

01:31:21 Sen. Juneau
01:32:23 Break
01:39:52 Sen. Perry

(Sen. McGee absent from room)

EXECUTIVE ACTION ON SB 157

01:42:21 **Motion:** SEN. SHOCKLEY moved that **SB 157 DO PASS.**

Discussion:

01:47:22 **Motion:** SEN. SHOCKLEY moved that **SB 157 BE AMENDED.**
EXHIBIT(jus09a03)

Discussion:

01:47:52 Sen. Jent
01:49:15 Sen. Juneau
01:49:58 Sen. Shockley
01:50:41 Sen. Esp
01:50:53 Sen. Perry
01:51:32 Sen. Shockley
01:51:38 Sen. Larsen
01:52:16 Sen. Shockley

01:53:16 **Vote:** Motion that **SB 157 BE AMENDED** carried
unanimously by voice vote. Sen. McGee voted by proxy.

01:54:03 **Motion/Vote:** SEN. SHOCKLEY moved that **SB 157 DO PASS**
AS AMENDED. Motion carried unanimously by voice vote.
Sen. McGee voted by proxy.

EXECUTIVE ACTION ON SB 139

01:55:11 **Motion:** SEN. SHOCKLEY moved that **SB 139 DO PASS.**

Discussion:

01:55:29 Sen. Perry
01:56:08 Sen. Shockley
01:56:30 Sen. Hinkle
01:58:07 Sen. Shockley

01:58:59 **Vote:** Motion that **SB 139 DO PASS** carried unanimously
by voice vote. Sen. McGee voted by proxy.

EXECUTIVE ACTION ON SB 171

02:00:07 **Motion:** SEN. SHOCKLEY moved that **SB 171 DO PASS.**

Discussion:

02:00:29 Sen. Jent

02:00:47 Sen. Perry (without objection) withdrew the motion **DO PASS SB 171**; amendments are needed.

02:01:06 Sen. Esp

ADJOURNMENT

Adjournment: 11:02 A.M.

PAM SCHINDLER, Secretary

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Additional Exhibits:

EXHIBIT ([jus09aad.pdf](#))